

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

TIMOTHY ALLEN DAVIS, SR.,

Plaintiff,

v.

Case No. 6:15-cv-1631-Orl-37LRH

CITY OF APOPKA,

Defendant.

ORDER

The Court held a hearing on Defendant City of Apopka's Motion to Strike and/or Exclude Expert Testimony of Gearlean Byrd Tartt. (Doc. 202 ("**Motion**").) Having considered the parties' filings and oral arguments, the Court pronounced its ruling at the hearing, finding the Motion is due to be granted for several reasons. Primarily, Dr. Tartt's Rule 26 disclosure was inadequate as it failed to comply with the Rule and does not provide enough information for the Court to determine what methodology was employed or to assess the reliability of her causation testimony as it relates to the unlawful search given the many other factors affecting Plaintiff's mental health. *See* Fed. R. Civ. P. 26. Dr. Tartt's testimony would also not be helpful to the jury as the jury can assess the impact of the harm associated with the search without the need of independent expert testimony. Last, to the extent a 403 balancing test is necessary, Ms. Tartt's testimony would be unfairly prejudicial as it might open the door to extraneous information, such as information related to Plaintiff's criminal trial and other issues no

longer in this case, that would not otherwise be relevant. *See* Fed. R. Evid. 403. This Order memorializes the Court's oral pronouncement.

Accordingly, it is **ORDERED AND ADJUDGED** that Defendant, City of Apopka's Motion to Strike and/or Exclude Expert Testimony of Gearlean Byrd Tartt, (*Daubert* Motion) and Incorporated Memorandum of Law (Doc. 202) is **GRANTED**.

DONE AND ORDERED in Chambers in Orlando, Florida, on November 13, 2019.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record